
REMARKS

With the entry of this Amendment, claims 15-28 will be pending in this patent application.

SPECIFICATION AND DRAWINGS

Recently, the U.S. Patent and Trademark Office (USPTO) received from the International Bureau complete copies of the amended sheets of the description and drawings in Annexes that accompanied the November 25, 2005 INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (IPER) and formed the basis for the opinion presented in the IPER. From an inspection of the Image File Wrapper maintained by the USPTO, it is evident that, at the time of the November 30, 2007 first Office Action in this application, complete copies of the afore-mentioned amended sheets were not before the Examiner. (The Image File Wrapper contained only every other page of the amended sheets.) It is Applicant's understanding that the USPTO was under an obligation to ascertain the completeness of documents on which the examination of this application was based.

In view of the foregoing observations, Applicant submits that, if this application is not allowed in the next Office Action, it would not be proper for the next Office Action to be made Final.

In this Reply, claims 1-14 have been canceled, and new claims 15-28 have been added. The new claims use nomenclature for recited elements of the needleless injection device that is consistent with the nomenclature used in the specification of the international application and in the claims presented when the application was filed in the United States. Applicant therefore submits that support for the subject matter recited in the new claims is evident in the specification and claims of the application. Applicant also submits that the language and arrangement of recited elements in the new claims complies fully with accepted U.S. patent practice.

SECTION 112, 2ND PARAGRAPH, REJECTION

Claims 1-14 were rejected under 35 USC § 112, second paragraph, as being indefinite. Applicant traverses this rejection insofar as it might be deemed applicable to any of claims 15-28 as now presented.

Claims 1-14 have been canceled. In their place, Applicant has introduced new claims 15-28. Each of the new claims has been carefully drafted to obviate the specific indefiniteness that the Examiner identified in claims 1-14 and to provide a clear recitation of the claimed subject matter.

Applicant submits that claims 15-28 comply fully with the requirements of 35 USC § 112, second paragraph, and therefore requests that this rejection be withdrawn.

PRIOR ART REJECTION I

Claims 1-6 and 8-10 were rejected under 35 USC § 102(b) as being anticipated by GB 681,098 (GB '098). Applicant traverses this rejection insofar as it might be deemed applicable to any of claims 15-28 as now presented.

New independent claim 15 recites a needless injection device with a combination of elements that includes an upper part and a lower part with a tubular section provided with an external thread that couples with an internal thread provided in the upper part. Claim 1 also recites the external and internal threads as effecting an attachment of the upper and lower parts that enables revolving and telescopic movement of the upper and lower parts relative to each other for producing a tension state of the energy store units. Applicant submits that these claimed attributes of Applicant's needless injection device, in combination with other claimed attributes of the needless injection device, cannot be met by the disclosure in GB '098.

In the GB '098 injection device, there are no threads providing a coupling between barrel 34 and lower head 36, identified by the Examiner as "upper" and "lower" parts, and no relative movement of the barrel and lower head that could be fairly characterized as revolving and telescopic "for producing a tension state of the energy store units." As shown, for example, in Fig. 9 and described in lines 87-96 on page 5 of GB '098, energy is stored in springs 90 and 56 by pulling rod 70 upward to a position in which the rod is held by a latch plate 76.

In view of the foregoing observations, Applicant submits that the disclosure in GB '098 cannot properly serve as a basis for rejecting independent claim 15 or dependent claims 16-28 under 35 USC § 102(b).

PRIOR ART REJECTION II

Claims 11-14 were rejected under 35 USC § 103(a) as being unpatentable over GB '098. (Applicant notes that claim 7 was not subjected to a rejection based on prior art and construes this rejection as having been applied also to claim 7.) Applicant traverses this rejection insofar as it might be deemed applicable to any of claims 15-28 as now presented.

New claims 15-28 do not recite attributes of the cartridge that were recited in claims 7 and 11-14. Applicant submits that this rejection has been rendered moot by the cancellation of claims 7 and 11-14 and therefore requests that this rejection be withdrawn.

CONCLUSION

In view of the amendments, observations and arguments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections stated in the outstanding Office Action and recognize all of the pending claims as allowable.

If unresolved matters remain in this application, the Examiner is invited to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number provided below, so that these matters can be addressed and resolved expeditiously.


Application No. 10/568,781
Amendment dated April 30, 2008
Reply to Office Action of November 30, 2007

Docket No.: 3347-0105PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: April 30, 2008

Respectfully submitted,

By 

Marc S. Weiner

Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant